SOUTHERN DISTRICT OF NEW YORK	
EAST COAST VENTURE CAPITAL INC.,	1:09-cv-5473(JGK)(JCF)
Plaintiff,	1.05-07 5475(3015)(301)
-against-	AFFIDAVIT OF STEVEN A. PETTA IN SUPPORT OF DEFENDANTS' MOTION
JP MORGAN CHASE BANK N.A. and JAMES ASARO	FOR SUMMARY JUDGMENT
Defendants.	
STATE OF ILLINOIS)	
COUNTY OF COOK)	
STEVEN A. PETTA, being duly sworn,	states as follows:

- I am a Vice President of Chase Investment Services Corp. ("CISC"). I 1. make this affidavit in support of the defendants' motion for summary judgment in the abovecaptioned action.
- This affidavit is based upon the files and records maintained by CISC in 2. the ordinary course of its business and my review of those files and records, as well as my personal knowledge gained from working at CISC for 9 years and 11 months.
- 3. CISC, a Delaware corporation, is a brokerage firm that is registered as a broker/dealer with the Securities and Exchange Commission. CISC does not maintain FDICinsured accounts, nor is it a bank, savings bank, mutual savings bank, credit union, savings association, a Federal Home Loan Bank, a member of a Federal Home Loan Bank or an agent of a foreign bank.

- 4. I am familiar with the usual and customary business practices of CISC regarding the opening and administration of brokerage accounts and record keeping relating to those brokerage accounts.
- 5. CISC controls the opening and administration of CISC brokerage accounts. JPMorgan Chase Bank, N.A. (the "Bank") is an affiliate of CISC, indirectly owned by a common parent. The Bank does not control the opening or administration of brokerage accounts with CISC.
- 6. I have reviewed the records of CISC and determined that East Coast

 Venture Capital, Inc. ("East Coast") maintains a brokerage account with CISC, account number xxx-xxx468 (the first six digits are not stated for privacy reasons). East Coast has no other account with CISC.
- 7. Attached as Exhibit A to this affidavit is a true and correct copy of a Corporate Resolution, dated December 7, 2007, on file with CISC authorizing the opening of a brokerage account with CISC in the name of East Coast Venture Capital, Inc. ("East Coast"), for account number xxx-xxx468. Exhibit A bears the signatures of Zindel Zelmanovitch, identified as the President of East Coast, Yitzhak Zelmanovitch, identified as Vice President of East Coast, Frederick Schulman, identified as Vice President of East Coast, and John Rajindra, identified as the Secretary of East Coast.
- 8. Exhibit A is in the form that is used in the regular course of business of CISC for the purpose of authorizing a brokerage account and it was kept by CISC in the regular course of business.
- 9. Attached as Exhibit B to this affidavit is an Investment Account
 Application, dated December 7, 2007, for a CISC brokerage account in the name of East Coast,

account number xxx-xxx468, bearing a signature matching the signature of Zindel Zelmanovitch on Exhibit A.

Exhibit B is in the form that is used in the regular course of business of CISC for the purpose of authorizing a brokerage account and it was kept by CISC in the regular course of business.

Dated: Chicago, Illinois July 16, 2009

STEVEN A. PETTA

Subscribed and sworn to before me this 6 day of July 2009.

NOTARY PUBLIC

OFFICIAL SEAL
BARBARA ANN MANN
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:10/23/12

EXHIBIT A

Reference ld: 7934496

Corporate Resolution



Chase Investment Services Corp.

Member NASD and SIPC

New Accounts Fax (866) 966-4455 Managed New Accounts Fax (800) 564-4398 Account Maintenance Fax (800) 805-3909

- 468 JS2	Account Number		Rep Code
- V		468	JS2

Account Maintenance Lax (600) 505 5505	
Use this form to designate individuals authorized to act on a brokerage account for an incorporated company.	
Corporation Information	
Corporation Name	
EAST COAST VENTURE CAPITAL INC	
Corporation Name (continued)	
Using the attached North American Industry Classification (NAIC) Matrix, enter the type of business and corresponding NAIC code below. Type of Business (ategory (please print)	NAIC Code
Retail Businesses/Service Providers Other - Retail Businesses/Service Providers	812990
PLEASE NOTE: Refer to the Registered Representative Manual, Section 7 for a list of account types that are not approved for a brokerage account. Any Investment Account Application submit of account will be rejected. Additional documentation is required for casinos and gaming institutions, charities, places of worship and non-profit organizations. Primary country in which business is transacted (please print) United States Anticipated number of trades per month (select one) Anticipated dollar amount to be traded per month (select one) O - 1 trade O 2 - 3 trades Anticipated dollar amount to be traded per month (select one) Stee entity non-publicly traded or a non-recognized exchange? (select one) No Yes If yes, besides the Authorized Individuals listed on the account, are there any other owners of the entity that have a 25% or greater ownership in the entity? (select one) No Yes; must complete and submit the Signatory Information Sheet or Signatory Information Sheet for Nonresident Alien (as appropriate). What is the length of the entity's relationship with JPMorgan Chase Bank, N.A. of affiliate? (select one) No 3 months Anticipated dollar amount to be traded per month (select one) State one)	
Complete the following information for the Entity Client/Supplier	
Jsing the attached North American Industry Classification (NAIC) Matrix, enter the primary type of CLIENT and corresponding NAIC code for this account below. NAIC Code Does the entity sell privately owned Type of Business (please print) No Yes Using the attached North American Industry Classification (NAIC) Matrix, enter the primary type of SUPPLIER to the business and corresponding NAIC code below. Type of Business (please print) NAIC Code NAIC Code NAIC Code	ATMs? (select one

2 Resolutions

I HEREBY CERTIFY that a meeting, duly called, of the Board of Directors of the above named Corporation, at which said meeting a quorum was present and acting throughout, the following preamble and resolution was adopted and ever since has been and now is in full force and effect.

WHEREAS this Corporation is duly authorized and permitted by its Charter and Bylaws to: (1) Engage in cash and margin transactions in any and all forms of securities including, but not limited to, stocks, options, stock options, stock index options, foreign currency options and debt instrument options, bond debentures, notes, scrips, participation certificates, rights to subscribe, warrants, certificates of deposits, mortgages, choses in action, evidences of indebtedness, commercial paper certificates or indebtedness and certificates of interest of any and every kind and nature whatsoever, secured or unsecured, whether represented by trust, participating and/or other certificates or otherwise, and margin transactions, including short sales; (2) Receive on behalf of the Corporation or deliver to the Corporation or third parties monies, stocks, bonds and other securities; and (3) Sell, assign, and endorse for transfer, certificates representing stocks, bonds, or other securities now registered or hereafter registered in the name of the Corporation.

NOW THEREFORE BE IT RESOLVED that this Corporation open an account ("Account") in its name with Chase Investment Services Corp. (CISC) pursuant to the terms of the Brokerage Account Agreement and that the following named officers and/or individuals ("Authorized individuals") or any one of them or their successors in office, may, on behalf of this Corporation or any one of them acting individually, be and they are hereby authorized to: (1) open and give orders in the said Account for the purchase, sale, or other disposition of stocks, bonds, and other securities; (2) deliver to and receive from this account on behalf of this Corporation monies, stocks, bonds and other securities; (3) sign acknowledgements of the correctness of all statements of accounts; and (4) make, execute and deliver any and all written endorsements and documents necessary or proper to effectuate the authority hereby conferred; the within authorization to each of said officers to remain in full force and effect until written notice of the revocation thereof shall have been received by CISC, Attn: Account Processing, 300 S. Riverside Plaza, 11th Floor, Mail Suite IL1-0291, Chicago IL 60670- 0291.

I FURTHER CERTIFY that the following are the signatures of the Authorized Individuals by the foregoing resolution to act for this Corporation. If the officer certifying this Resolution is also named as an Authorized Individual, the other Authorized Individuals hereby certify by their signatures below that such officer has been validly designated as an Authorized Individual with respect to the Account.



Reference Id: 7934496

Corporate Resolution





Chase Investment Services Corp. Member NASD and SIPC

	Account Number -	JS2
Authorized Individual Signature(s)		
Authorized Individual Name (first, middle Initial, last)		
Zindel Zelmanovitch		
Title (select one) President Vice President Treasurer Secretary Only Officer in Corporat	ion	
Authorized Individual Signature.	Date (mm/dd/yyyy) (2/2/07/2007	
Ayshorized Individual Name (fight, middle initial, last)		
Yitzhak Zelmanovitch		
Title (selectione) O President Vice President Treasurer Secretary O Other		
Authorized Individual Signature X	Date (mm/dd/yyyy) / 2007	
Authorized Individual Name (first, middle initial, last)		
Frederick Schulman		
Title (selectione) ○ President ○ Vice President ○ Treasurer ○ Secretary ○ Other		
Authorized individual Signature X Tueli Authorized individual Signature	Date (mm/dd/yyyy)	
Authorized Individual Name (first, middle initial, iast)		
Title (selectione) O President O Vice President O Treasurer O Secretary O Other		
Authorized Individual Signature X	Date.(mm/dd/yyyy)	
4 Secretary Signature		
IN WITNESS WHEREOF, I have hereunto set my hand this day.		
Secretary Significe X Kapinde Printed Name Rajinda Jahh	Date (mm/dd/yyyy)	

CHASE O

December 7, 2007

To whom it may concern:

The resident address of all three signers are as follows;

1) Zindel Zelmanovitch 1934 E 18th Street Brooklyn, NY 11229

Initial x

2) Yitzhak Zelmanovitch 785 Addison Street Woodmere, NY 11598

Initial x

3) Frederick Schulman75 Long Hill Road EBriarcliff MNR, NY 10510

Initial x

Chase Investment Services Corp. • 386 Park Avenue South • New York, NY 10016

Securities and investment advisory services are offered through Chase Investment Services Corp. (CISC). CISC, a member of NASD/SIPC, is an affiliate of JPMorgan Chase Bank, N.A.

NOT FDIC INSURED . NO BANK GUARANTEE . MAY LOSE VALUE

EXHIBIT B

Chase Investment Services Corp.

Reference Id: 7934496

○ Collateral Account ○ CRC○ FRD

Fax to (866) 966-4455

EAST COAST VENTURE CAPITAL INC

Primary Party Id: 793449 EzForms Ref No:616880

POA

Zindel Zelmanovitch O PCA O TOD

Important Investment Information and Binding Agreement - PLEASE READ CAREFULLY

IT IS IMPORTANT TO CONSULT A PROFESSIONAL FOR TAX, LEGAL AND OTHER

A. INVESTMENTS ARE NOT FOIC INSURED, ARE NOT BANK GUARANTEED AND MAY

The value of investments may fluctuate, so when I sell my investments, I may receive more or less than I originally invested. I understand that it is important to read the prospectus or other investment materials carefully before investing.

I understand that although money market mutual funds strive to maintain a stable Net Asset Value (NAV) of \$1 per share, there is no guarantee that a stable NAV will be

B. INVESTMENTS INVOLVE COSTS, FEES AND CHARGES

Commissions, fees and expenses are covered in the CISC Fee Schedule or, where applicable, as stated in prospectuses, contracts and/or confirmation notices. I understand that my representative will be paid based on my investment purchases. Information about how my representative is paid can be found in the "Fees and Expenses" section of the Disclosures & Brokerage Account Agreement (Agreement).

I understand that most mutual funds offer more than one class of shares. Each class I understand that most mutual funds offer more than one class of shares. Each class invests in the same portfolio of securities and has the same investment objective and policies, but each class has different sales charges and expenses, the amount and effect of which is explained in the prospectus. Class A shares include a front-end sales charge or load which varies depending on the amount invested. Reduced sales charges on Class A shares can be obtained through volume purchases (Breakpoints and Rights of Accumulation) in this and related accounts or through agreements to purchase larger amounts over a set period of months (Letter of Intent). Class B and Class C shares do not have a front-end load but Include a back-end sales charge, or Contingent Deferred Sales Charge (CDSC), if sold within a certain time period. Class B and C shares are generally charge (CDSC), if sold within a certain time period. Class B and C shares are generally subject to higher ongoing fees than Class A shares, which may impact the mutual fund's total return.

DETAILED INFO	DRMATION IS CONTAINED IN THE AGREEMENT	
My representative received a copy o	e has verbally reviewed with me sections A and 8 at of the Agreement, including the pre-dispute arbitration	oove and I have I clause. CLIENT
X All	Will Will	af
ATAIN AFFILIA	TES ARE PAID FOR SERVICES TO MUTUAL FUNDS	

If I am buying shares in JPMorgan Funds, I understand that JPMorgan Chase Bank, N.A. and affiliates provide investment advisory services to these mutual funds for a fee.

		EIVES								

I understand that some mutual fund advisers, distributors or other entities make payments to CISC based on the amount of the fund's shares sold by CISC or owned by clients of CISC. to CISC may receive a payment as a percentage of my total purchase amount of one of these mutual funds. In addition, for any mutual fund I hold in my account, and for as long as I hold that mutual fund, CISC may receive an additional payment as a percentage per year of the amount held. Lastly, CISC may receive a fixed annual payment.

I understand that these payments are not made from mutual fund assets but instead are paid from the assets of the mutual fund's adviser or affiliate. I also understand that my representative does not receive any portion of, or additional compensation, as a result of these payments. I understand that more information is contained in the "Mutual Fund Investing" section of the Agreement and a list of the fund families that participate in these arrangements with CISC can be found at www.Chase.com and related websites.

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The undersigned Primary Account Holder and, if applicable, Joint Tenant (referred to as "Client") certifies that each has reached the legal age of majority in the state in which Client resides, that all information provided above is true and correct, that except as disclosed no other person has any interest in this account and each authorizes CISC to investigate and obtain information about any of the statements made in this application. Client understands and agrees that all securities will be held in Client's Account with all holdings reflected on the Client's periodic statement.

Client acknowledges receipt of the Chase Privacy Policy and Opt-Out Notice, and a prospectus for any mutual fund purchased, including any money market mutual fund Client elected on this Application as a Sweep Fund. By signing this form, Client acknowledges that he/she has read, understands and agrees to be bound by the terms and conditions of the Agreement.

For a Chase Retirement Plan, Client has completed the required plan Adoption Agreement and/or Participant Form and has received, read and agreed to the Custodial Agreement and Disclosure Statement or the Qualified Retirement Plan and Trust Defined Contribution Basic Plan Document with the Money Purchase Pension Plan/Profit Sharing Plan Additional Disclosure (for Administrators of Qualified Plans only) and the Account Rules and Regulations as applicable to the Retirement Plan type selected on this Application.

regulations as applicable to the retirement Plan type selected on this Application. For a Premiere Select retirement plan, Client has completed the required Premiere Select Application and has received, read and agreed to the Customer Agreement and Custodial Agreement and Disclosure Statement applicable to the Premiere Select Retirement Plan type selected on this application. For a Premier Select Profit Sharing Plan or Money Purchase Plan, Client has received the Premiere Select Retirement Plan Establishment Kit (Profit Sharing Plan and Money Purchase Plan). For a Premier Select SIMPLE retirement plan, Client has received the Premiere Select SIMPLE IRA Plan Kit.

plan, Client has received the Premiere Select SIMPLE IKA Plan KIT.

Under penalities of perjury, Client certifies that (1) Client's correct tax identification number is shown; (2) Client has not been notified by the Internal Revenue Service (IRS) that Client is subject to backup withholding; or if Client has been so notified, such notice is no longer in effect; and (3) Client is a U.S. person (including a U.S. resident alien). The IRS does not require Client's consent to any provisions of this document other than this certification to avoid backup withholding. CLIENT UNDERSTANDS AND ACKNOWLEDGES THAT THE AGREEMENT CONTAINS A PRE-DISPUTE ARBITRATION CLAUSE. SEE SECTION 10 IN THE AGREEMENT FOR MORE DETAILS.

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For Investment Representative Use Only	For Internal Use Only
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Chase Investment Services Corp.

Member NASD and SIPC

Page 1 of 7 Reference ID: 7934498

EzForms Ref No: 618880

New Accounts Fax (866) 966-4455

Managed New Accounts Fax (800) 564-4398

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- O I want to payout my mutual fund dividends and capital gains.
- I want to reinvest my equity dividends.
- I certify that I have verified the client's account information listed above.
- O I have Equity / Fixed Income trades to place.
- O I have Mutual Fund trades to place right now.

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Signatory Information 1 of 3			
SIGNATORY REGISTRATION			
Signatory Name (first, middle initial, last)			
Zindel Zelmanovitch			
Social Security Number or ITIN	Date of Birth (mm/dd/yyyy)	Country	of Citizenship
	01/18/1947		
Signatory Relationship			
Checking/Savings/RMMA			
Citizenship Status	Country of Residence ((if Citizenship Statu	us is Nonresident Alien)
USA		<u> </u>	
SIGNATORY IDENTIFICATION: Did the representative meet with	l am or was	S country or Lar	ry, governmental, or political official n either closely associated with or I am or child of such an official
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241 5TH AVE RM 302			
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City	State	Country	Zip Code
NEW YORK	МА		10016-8732
Home TelephoneNumber	-	Office Tele	ephone Number
(212) 685-1551		(212) 99	

IGNATORY REGISTRATION	
ignatory Name (first, middle initial, last)	
Yitzhak Zelmanovitch	
Social Security Number or ITIN	Date of Birth (mm/dd/yyyy) Country of Cltizenship
	12/20/1978
Signatory Relationship	
Checking/Savings/RMMA	
Citizenship Status	Country of Residence (If Citizenship Status is Nonresident Alien)
USA	
SIGNATORY IDENTIFICATION	
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Did the representative meet with	I am or was a senior military, governmental, or political official th signatory in person on a non-US country or I am either closely associated with or I am
Did the representative	a spouse, parent, sibling, or child of such an official
Primary Identification Type	
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Signatory Information 3 of 3				
SIGNATORY REGISTRATION				
Signatory Name (first, middle initial, last)				
Frederick Schulman				
Social Security Number or ITIN	Date of Birth (mm/dd/yyy	y) Coun	try of Citizenship	
	06/21/1952			
Signatory Relationship				
Checking/Savings/RMMA				
Citizenship Status	Country of Resi	idence (If Citizenship St	atus is Nonresident Allen))
USA				
Control of the Contro	A STATE OF THE STA			
SIGNATORY IDENTIFICATION				
Oldfridgy Editing				
Did the representative meet with signal	atory in person and in a r	or was a senior mili non-US country or l	tary, governmental, c am either closely ass	or political official sociated with or I am
	a spo	ouse, parent, sibling	, or child of such an	official
Primary Identification Type	, , , , , , , , , , , , , , , , , , , 			
US Driver W/Photo:				
			and on the state of the state o	
Identification Number ID Issue Date (mg	m/dd/yyyy) ID Expiration Da 06/21/		ID State /Issuing Agency New York	
00/2/1/2003	00/2.1/	2013		
Secondary Identification Type				
	Andrew Statement of			
Identification Number ID Issue Date (m	m/dd/yyyy) ID Expiration Da	ate(mm/dd/yyyy)	ID State /Issuing Age	ncy
SIGNATORY ADDRESS				
Residential Address		· · · · · · · · · · · · · · · · · · ·		
241 5TH AVE RM 302				
Residential Address (continued)		Prov	rince	
(100)				
O.	Otal			Zin Code
City	State	Country		Zip Code 10016-8732
NEW YORK	NY	L		10010-07-32
Home TelephoneNumber			elephone Number	
(212) 685-1551		(212)	686-1515	Į.